



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission

From: Kathy Grasser, Planner  
Ralph Gouldy, Sr. Admin. Environmental Resources

Through: Townsley Schwab, Acting Director of Planning  
& Environmental Resources

Date: March 20, 2008

Subject: *Request for Amendments to Sections 9.5-122.4(d) and 9.5-124.8(a)(3) to allow credit for Habitat on Lots Dedicated for Positive Point Values and creating new Section 9.5-350 Mitigation Requirements for Habitat Conservation on Big Pine and No Name Keys*

**Meeting:** April 9, 2008

#### I. BACKGROUND:

1. Monroe County is one of three permittees, including the Florida Department of Transportation and the Florida Department of Community Affairs, on Federal Incidental Take Permit (ITP) No. TE038411-0 for take of the Florida Key deer, the Lower Keys marsh rabbit, and the eastern indigo snake in the form of harassment, harm, or mortality in the affected area as depicted in Figure 1.1 of the Habitat Conservation Plan for Florida Key deer and other protected species on Big Pine and No Name Key, Monroe County, Florida. Figure 1.1 is attached as Exhibit A.

2. To comply with the issuance criteria for the ITP listed in Section 10 (a)(1)(B) of the Endangered Species Act, Monroe County and the co-applicants developed a Habitat Conservation Plan (HCP) to mitigate the incidental take of the Key deer resulting from development activities covered by the ITP.

3. The HCP required a level of incidental take resulting in a total harvest value (H) consumed by development not to exceed 1.1H, where 1.1 is the total of sums attributed to parcels of land within the affected area.

4. On August 18, 2004, the Monroe County Board of County Commissioners adopted the Master Plan for Future Development of Big Pine and No Name Keys, which contains an implementation strategy for mitigating impacts to Key deer and their habitat, which strategy is land acquisition, in order to fulfill the terms of the ITP.

5. The permittees must mitigate the harvest of Key deer by acquiring habitat lands worth three (3) times the H value impacted, using the H value as the unit of measure for accounting

1 for lands mitigated and impacted by development such that the combined H value of lands  
2 acquired for mitigation over the term of the ITP totals 3.3H.

## 3 4 5 6 **II. ANALYSIS**

### 7 8 **A. County requirements for changes to the land development regulations.**

9  
10 Article XI of Chapter 9.5 sets forth the requirements for amending the text of the land  
11 development regulations. Specifically, Sec. 9.5-511(d)(5)b sets forth six (6) criteria for  
12 amending the land development regulations, at least one of which must be met. Three (3) of  
13 the six (6) criteria support the proposed amendment; (iv) *New Issues* and (v) *Recognition of a*  
14 *need for additional detail and comprehensiveness*, and (vi) *Data update*.

#### 15 16 (iv) *New Issues:*

17  
18 Ecologist (Lopez 2001) from Texas A&M University conducted a Population Viability Analysis  
19 (PVA) to evaluate the impacts of various development activities on the Key deer population.  
20 Their research indicates certain development activities contribute to direct habitat loss and  
21 indirect human-related effects on Key deer, resulting in the incidental take of the species.

#### 22 23 (vi) *Data update:*

24  
25 Impacts from various development activities to Key deer were quantified by Ecologists using the  
26 PVA model. The unit of measure which quantifies impacts to Key deer is the "H" (harvest  
27 value). Data from the PVA model indicates the combined effect of certain development  
28 activities proposed by the applicants of the ITP will result in a total harvest (H) of 1.1.

#### 29 30 (v) *Recognition of a need for additional detail and comprehensiveness:*

31  
32 The Applicants of the Incidental Take Permit (ITP) propose to mitigate for the incidental take of  
33 Key deer mainly by acquiring and managing native habitat areas within the HCP project area.  
34 This HCP proposes a quantifiable and measurable objective for a level of incidental take that  
35 result in a total impact of 1.1H. The applicants will mitigate the incidental take of Key deer by  
36 acquiring habitat areas at a 3:1 ratio, using H as the unit of measurement. After a twenty (20)  
37 year time frame, lands which are acquired and managed will total a maximum of H=3.3.

38  
39 The Master Plan for Big Pine and No Name Keys, adopted by the BOCC as an addendum to  
40 the 2010 Comprehensive Plan, includes an Action Item for land acquisition. The CommuniKeys  
41 Master Plan *Action Item 9.2.4* recommends a land acquisition strategy for mitigating impacts to  
42 Key deer and their habitat. This ensures that development bears its fair share of the required  
43 mitigation under the conditions of the ITP.

### 44 45 **B. Consistency with the 2010 Comprehensive Plan.**

#### 46 47 (i) *Public Welfare Issues:*

48 The proposed ordinance is consistent with Goal 207 of the Monroe County Comprehensive Plan  
49 which states:

1 **GOAL 207**

2 Monroe County shall protect and conserve existing wildlife and wildlife habitats.

3  
4 The proposed ordinance is to provide options for applicants to mitigate impact producing  
5 development in the project area in order to proceed with development plans, in spite of  
6 insufficiencies in the required 3:1 mitigation-to-impact ratio, by donating land or paying a  
7 mitigation fee representing their proportionate share of the cost the County bears for mitigation  
8 of their impacts. Specifically, this ordinance is consistent with the Principles for Guiding  
9 Development in the Florida Keys Area of Critical State Concern as a whole and is not  
10 inconsistent with any principle. Specifically, the establishment of the ordinance for public  
11 resource protection is consistent with:

12 *Principle (c) To protect upland resources, tropical biological communities, freshwater wetlands,*  
13 *native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and*  
14 *beaches, and wildlife and their habitat.*

15 *Principle (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys*  
16 *and maintain the Florida Keys as a unique Florida resource.*

17  
18 **D. Benefits to Property Owners:**

19  
20 The community-driven planning effort involved the Master Plan for Future Development of Big  
21 Pine and No Name Key which sought to define, through continuous debate, the public's interest  
22 in protecting the environment. In conjunction with the recommendations for habitat conservation  
23 in the HCP, the implementation of a mitigation fee for land acquisition, along with the growth  
24 management plan provided by the Master Plan, will allow for additional permitting of  
25 development activities to satisfy the residential, commercial, industrial, and institutional needs of  
26 individual property owners and the community as a whole, and at the same time protect and  
27 conserve Key deer habitat.

28  
29 There is no prohibition on counting the land donated or dedicated to the County for acquisition  
30 by governmental agencies for the purposes of conservation and resource protection for ROGO  
31 or NROGO points thereby satisfying the mitigation requirements in the affected area at the  
32 same time

33  
34 **III. PROPOSED REVISIONS:**

35  
36 Text amendments to the Monroe County Code amending section 9.5-122.4(d) and section 9.5-  
37 124.8(a)(3) to allow credit for habitat mitigation on lots dedicated for positive point values on Big  
38 Pine and No Name Keys; adopting a new Section 9.5-350 establishing mitigation requirements  
39 for habitat conservation on Big Pine and No Name Keys.

40  
41 **IV. CONCLUSIONS:**

- 42  
43 1. The proposed text amendment is consistent with Section 9.5-511 of the Monroe  
44 County Code.  
45  
46 2. The proposed text amendment is in the interest of public welfare.  
47  
48 3. The proposed text amendment is consistent with and furthers the policies of the  
49 Monroe County Year 2010 Comprehensive Plan.

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4. The proposed text amendment is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern as a whole, and is not inconsistent with any principle.

**V. STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** to the Board of County Commissioners.



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4 **AN ORDINANCE BY THE MONROE COUNTY BOARD OF**  
5 **COUNTY COMMISSIONERS AMENDING MONROE COUNTY**  
6 **CODE SECTION 9.5-122.4(d) AND SECTION 9.5-124.8(a)(3) TO**  
7 **ALLOW CREDIT FOR HABITAT MITIGATION ON LOTS**  
8 **DEDICATED FOR POSITIVE POINT VALUES ON BIG PINE AND**  
9 **NO NAME KEYS; ADOPTING A NEW SECTION 9.5-350**  
10 **ESTABLISHING MITIGATION REQUIREMENTS FOR HABITAT**  
11 **CONSERVATION ON BIG PINE AND NO NAME KEYS;**  
12 **PROVIDING FOR SEVERABILITY; PROVIDING FOR THE**  
13 **REPEAL OF CODE PROVISIONS AND ORDINANCES**  
14 **INCONSISTENT HERewith; PROVIDING FOR INCLUSION IN**  
15 **THE MONROE COUNTY CODE; PROVIDING FOR AN**  
16 **EFFECTIVE DATE**  
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20 **WHEREAS,** The Board of County Commissioners for Monroe County makes the  
21 following finding of facts and conclusions of law:  
22

- 23 1. Monroe County is one of three permittees, including the Florida Department of  
24 Transportation and the Florida Department of Community Affairs, on Federal Incidental  
25 Take Permit (ITP) No. TE038411-0 for take of the Florida Key deer, the Lower Keys  
26 marsh rabbit, and the eastern indigo snake in the form of harassment, harm, or mortality  
27 in the affected area as depicted in Figure 1.1 of the Habitat Conservation Plan for Florida  
28 Key deer and other protected species on Big Pine and No Name Key, Monroe County,  
29 Florida. Figure 1.1 is attached as Exhibit A.  
30
- 31 2. To comply with the issuance criteria for the ITP listed in Section 10 (a)(1)(B) of  
32 the Endangered Species Act, Monroe County and the co-applicants developed a  
33 Habitat Conservation Plan (HCP) to mitigate the incidental take of the Key deer resulting  
34 from development activities covered by the ITP.  
35
- 36 3. The HCP required a level of incidental take resulting in a total harvest value (H)  
37 consumed by development not to exceed 1.1H, where 1.1 is the total of sums attributed  
38 to parcels of land within the affected area.  
39
- 40 4. On August 18, 2004, the Monroe County Board of County Commissioners  
41 adopted the Master Plan for Future Development of Big Pine and No Name Keys, which  
42 contains an implementation strategy for mitigating impacts to Key deer and their habitat,  
43 which strategy is land acquisition, in order to fulfill the terms of the ITP.  
44
- 45 5. The permittees must mitigate the harvest of Key deer by acquiring habitat lands  
46 worth three (3) times the H value impacted, using the H value as the unit of measure for  
47 accounting for lands mitigated and impacted by development such that the combined H  
48 value of lands acquired for mitigation over the term of the ITP totals 3.3H.  
49
- 50 6. The proposed ordinance is consistent with Goal 207 of the Monroe County  
51 Comprehensive Plan which states:

**GOAL 207**

Monroe County shall protect and conserve existing wildlife and wildlife habitats.

7. The intent of this section is to provide options for applicants to mitigate impact producing development in the project area in order to proceed with development plans, in spite of insufficiencies in the required 3:1 mitigation-to-impact ratio, by donating land or paying a mitigation fee representing their proportionate share of the cost the County bears for mitigation of their impacts. An applicant's proportionate share of the cost to mitigate H impacts may be in the form of a mitigation fee or land dedication or donation to the County.

8. The donation or dedication of land to acquire points for ROGO/NROGO applications bears no relationship to mitigation for H, and one property may be used for both purposes.

9. The Monroe County Planning Commission held a public hearing on November 20, 2007, continued to December 5, 2007(no discussion); January 8, 2008; January 23, 2008; February 5, 2008; March 4, 2008. A workshop was held by the Department of Planning and Environmental Resources on March 17, 2008, at 6:30 P.M. at the Big Pine Charter School. The ordinance was re-advertised for public hearing by the Planning Commission for April 9, 2008 at which regular meeting further public comment and discussion by the commission occurred.

10. The Board of County Commissioners held a public hearing on \_\_\_\_\_ at which public comment was received and board discussion was held.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

**Section 1.** Section 9.5-122.4(d) is amended as follows:

\* \* \* \* \*

	<i>Additional Requirements:</i>
	<p>1. The application shall include but not be limited to the following:</p> <ul style="list-style-type: none"><li><del>* An affidavit of ownership of all affected lots, parcels, acreage or land; and</del></li><li>• <u>Copy of deed, title insurance policy, proof of unencumbered ownership and property record card</u></li><li>• <u>A letter from the Monroe County Biologist stating that the property is appropriate for dedication</u></li><li>• A statutory warranty deed, that conveys the dedicated property to the county shall be approved by the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.</li></ul>

	<p>2. Lots or parcels dedicated for positive points under this paragraph shall <del>not</del> be eligible for meeting the mitigation requirements of the Big Pine Key and No Name Key <u>Habitat Conservation Plan Overlay Zone</u>.</p> <p>3. Lots or parcels donated for points in Big Pine Key or No Name Key must be located within Tier I or Tier II lands in Big Pine Key or No Name Key.</p>
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**Section 2.** Section 9.5- 124.8(a)(3) shall be amended as follows:

<i>Additional requirements</i>	
1.	<p>The application shall include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• <del>An affidavit of ownership of all affected lots, parcels, acreage or land; and</del></li> <li>• <u>copy of deed, title insurance policy, proof of unencumbered ownership and property record card</u></li> <li>• <u>A letter from the Monroe County Biologist stating that the property is appropriate for dedication</u></li> <li>• A statutory warranty deed, that conveys the dedicated property to the county shall be approved by the growth management director and county attorney and recorded in the office of the clerk of the county prior to the issuance of any building permit pursuant to an allocation award.</li> </ul>
2.	<p>Lots or parcels dedicated for positive points under this paragraph shall <del>not</del> be eligible for meeting the mitigation requirements of the Big Pine Key and No Name Key <del>Overlay Zone</del> <u>Habitat Conservation Plan</u>.</p>
3.	<p>Only lots or parcels on Big Pine Key and No Name Key dedicated for positive points under this paragraph will allow for positive points for applications on Big Pine Key and No Name Key.</p>

**Section 3.** Section 9.5-350 of the Monroe County Land Development Regulations is hereby added as follows:

Sec. 9.5-350 Required Mitigation on Big Pine Key and No Name Key

(a) Mitigation Requirements

1) The purpose of this section is to establish uniform procedures for fulfilling the mitigation requirements of the Habitat Conservation Plan for the Florida Key deer and other protected species on Big Pine and No Name Keys, Monroe County, Florida and the associated federal incidental take permit No. TE038411-0.

2) The Board of County Commissioners of Monroe County has determined and recognized that the amount of additional growth, development, and redevelopment on Big Pine and No Name Key (affected area) throughout the twenty (20) year term of the

1 Incidental Take Permit will necessitate significant land acquisition in the affected area, in  
2 order to mitigate impacts at a rate of 3H to 1H, representing three (3) units of harvest  
3 value (H) for mitigation for every one (1) unit of harvest value (H) impacted by  
4 development.

5  
6 3) The duration of the regulations set forth in this section shall be effective until  
7 the expiration of the Incidental Take Permit on June 30, 2023, unless sufficient property  
8 is acquired earlier.

9  
10 (b) Definitions.

11 The words or phrases used herein shall have the meaning prescribed in the Monroe  
12 County Land Development Regulations, except as otherwise indicated herein:

13  
14 Commercial means and refers to retail uses that sell goods or services at retail as the  
15 term "commercial retail use" is defined in section 9.5-4(C-14).

16  
17 Community Organizations means and refers to Institutional uses such as religious and  
18 civic clubs, for instance, that serve the community consistent with the definition of  
19 "institutional use" in Sec. 9.5-4(I-4) and expressly includes hospitals.

20  
21 Existing Roadway Paving means the paving of dirt roads and the widening of existing  
22 roads, including US 1.

23  
24 Habitat Conservation Plan or HCP means the Habitat Conservation Plan for Florida Key  
25 deer (*Odocoileus virginianus clavium*) and other Protected Species on Big Pine and No  
26 Name Key, Monroe County Florida, April 2006 revision, which was approved and  
27 accepted by the US Fish and Wildlife Service June 09, 2006.

28  
29 ITP means the Federal Incidental Take Permit (No. TE038411-0) for Threatened and  
30 Endangered Species issued to Monroe County, the Florida Department of  
31 Transportation, and the Florida Department of Community Affairs by the US Fish and  
32 Wildlife Service on June 09, 2006

33  
34 Impacts or impact-producing means and refers to only H impact as calculated using the  
35 H multipliers for land use development categories and the formulas for calculation of H  
36 impact for different development activities as prescribed in Tables 2.5 and 2.6 of the  
37 HCP.

38  
39 Inventory Batch means a group of parcels of real property acquired within a certain  
40 period of time either by Monroe County or the Monroe County Land Authority, or both,  
41 which are appropriate for use as mitigation.

42  
43 Library Expansion means the expansion of floor area of a Monroe County public library  
44 facility in the project area consistent with the definition of "public buildings" in Sec. 9.5-  
45 4(P-18).

46  
47 Major Community Park Facility expressly means the redevelopment of Mariner's Resort  
48 as an active recreational use operated for the benefit of the general public by a public or  
49 quasi-public agency as the term "community park" is defined in Sec. 9.5-4 (C-18).  
50

1 Master Plan means the Master Plan for Future Development of Big Pine Key and No  
2 Name Key, adopted by the Monroe County Board of County Commissioners in August,  
3 2004.

4  
5 Mitigation means to reduce or make less severe impacts from development through  
6 restoration, a reduction of traffic generation, or acquisition and management of land for  
7 the purposes of habitat conservation and public resource protection.

8  
9 Project Area means and refers to the defined geographic area of the County, as  
10 depicted in Figure 1.1 of the Habitat Conservation Plan for Florida Key deer and other  
11 Protected Species on Big Pine and No Name Keys, within which mitigation fees are  
12 collected, appropriated, and expended for land acquisition, management and monitoring  
13 to serve the purpose of habitat conservation and public resource protection. The project  
14 area includes all of Big Pine and No Name Keys.

15  
16 Public Offices means office and service buildings, uses or facilities owned or operated  
17 by a governmental agency, including publicly and privately owned utilities, which are  
18 compatible with or provide services to the immediate vicinity in which the building is  
19 located consistent with the definition of "public buildings" in Sec. 9.5-4(P-18).

20  
21 Remaining Public Uses means the development of up to seven (7) minor neighborhood  
22 "pocket parks" used for passive recreational uses on disturbed or scarified sites in any of  
23 the following subdivisions:

24  
25 Pine Channel Estates  
26 Cahill Pines and Palms  
27 Doctor's Arm  
28 Palm Villa  
29 Sands  
30 Eden Pines Colony  
31 Port Pine Heights

32  
33 Residential Accessory Lot(s) means accessory uses or accessory structures on vacant  
34 contiguous, adjacent, or abutting lot(s) including fences, pools, gardens, tennis courts,  
35 garages, and the like, that are subordinate in floor area and intensity and serves a  
36 principal residential use or structure by contributing to the comfort, convenience or  
37 necessity of the occupants of the principal use or structure, and is under the same  
38 ownership and in the same land use district as the principal residential use or structure.

39  
40 Residential development means and refers to a residence or residential use as that term  
41 is defined in section 9.5-4(R-8); dwelling units as that term is defined in section 9.5-4(D-  
42 31); mobile homes as term defined in section 9.5-4(M-15); institutional residential use as  
43 defined in section 9.5-4(I-5); and permanent residential unit as the term is defined in  
44 section 9.5-4(P-4).

45  
46 US 1 Three-Laning means the three-laning of US Highway 1 within the project area.

47  
48 4) Land Dedication Option

49 Mitigation requirements may be fulfilled through the dedication to Monroe County  
50 of land located within the affected area that is proposed for acquisition by governmental  
51 agencies for the purposes of conservation and resource protection. Nothing in this

1 section shall prohibit the same land dedication from qualifying for positive ROGO or  
2 NROGO points.

3  
4  
5 5) Fee Payment Option

6 In lieu of dedication and when sufficient inventory of qualified government-  
7 owned mitigation land exists, mitigation requirements may be fulfilled through the  
8 payment of a mitigation fee to Monroe County. Monroe County will not accept payment  
9 of a mitigation fee until the corresponding mitigation land has been acquired and  
10 approved for this use.

- 11  
12 a. Fee rates by inventory batch shall be established periodically by the  
13 Planning Director based on the acquisition cost of the inventory batch.  
14 b. The mitigation fee will be assessed on a per permit basis. The  
15 mitigation fee for a given development activity will be calculated by  
16 multiplying the H impact of the development activity times the  
17 mitigation ratio of three (3), times the fee rate established in  
18 subsection a. Formulas for calculating the development activity for  
19 each permit will be based on the Habitat Conservation Plan Table 2.6  
20 Calculation of H for Different Development Activities.  
21 c. The mitigation fee shall be paid in full prior to issuance and release of  
22 a building permit. No building permit for a development activity listed  
23 in the HCP Section 3.4 Covered Activities shall be issued until the  
24 appropriate mitigation fee is paid.  
25 d. Use of the inventory of qualified government-owned mitigation land for  
26 the fee payment option shall be made available to applicants based  
27 on the ranking and date of ROGO and NROGO allocations.  
28 Applications exempt from ROGO or NROGO requirements which  
29 require building permits and mitigation shall be considered and  
30 calculated on the date the permit is ready to be issued, and the  
31 mitigation fee shall remain valid for sixty (60) days. After 60 days, the  
32 mitigation fee is subject to change or unavailability.  
33 e. Mitigation fees paid to Monroe County for mitigation lands acquired by  
34 the Monroe County Land Authority shall be transferred to the Monroe  
35 County Land Authority.

36  
37 (b) Development Affected

38 Mitigation requirements shall apply to the types of land development activities  
39 listed in the Habitat Conservation Plan Section 3.4 and the Master Plan for  
40 Future Development of Big Pine Key and No Name Key as follows:

- 41  
42 1. New Residential development  
43 2. Non-residential private development and expansion  
44 3. Recreational and community facilities and institutional uses  
45 4. Local road widening and new paving  
46 5. Three-laning of US 1  
47 6. Public Facilities  
48 7. Accessory structures, uses, and fences  
49

50 (c) Exemptions

51 The following types of development are not subject to mitigation requirements:

1. Replacement residential unit: Redevelopment or rehabilitation which replaces, but which does not increase the number of legally permitted residential dwelling units above that existing on the site prior to redevelopment or rehabilitation.
2. Replacement of nonresidential development: Redevelopment or rehabilitation which replaces, but which does not increase the legally permitted floor area above that existing on the site prior to redevelopment or rehabilitation and does not change the land use or land use intensity to one which has a greater impact-producing effect on Key deer with respect to traffic intensity or removal of Key deer habitat beyond what existed on the site prior to replacement.
3. Replacement of accessory structures or uses.
4. Affordable or employee housing units; however the exemption is subject to County's having sufficient inventory of qualified government-owned mitigation land.

(d) Mitigation Deficit

Only the use of mitigation properties for County or government projects may cause the ratio of H to fall below 3:1. The cumulative H ratio may not go below 2.85:1 according to the terms of the ITP.

(e) Credits

If there is a reduction in H impact because of a development activity resulting in a credit of H, the credit shall be applied to the County as a public benefit in order to reduce the amount of H to be purchased by the County. Donations or dedications of land in the affected area resulting from donations for NROGO or ROGO in other areas outside the affected area shall be a credit to the County.

(f) Non-Applicability to prior Allocations

The requirements of this ordinance shall be effective for all development approvals after the effective date of this ordinance, except for approval of ROGO /NROGO allocations by the Planning Commission prior to the effective date, unless expired or rescinded.

**Section 4. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5. Repeal of Conflicting Provisions.** The provisions of the Monroe County Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6. Inclusion in the Code.** The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Monroe County, Florida as an addition or amendment thereto, and shall be appropriately numbered to conform to the uniform number system of the Code.

1 **Section 7. Approval by the State Department of Community Affairs.** The provisions  
2 of this Ordinance constitute a "land development regulation" as State law defines that  
3 term. Accordingly, the Monroe County Clerk is authorized to forward a copy of this  
4 Ordinance to the State Department of Community Affairs for approval pursuant to  
5 Sections 380.05(6) and (11), Florida Statutes and to the Secretary of State for the State  
6 of Florida, as required.  
7

8 **Section 8. Effective Date.** This Ordinance shall be effective immediately upon approval  
9 by the State Department of Community Affairs pursuant to Chapter 380, Florida  
10 Statutes.  
11

12 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe  
13 County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_,  
14 2008.  
15

16 Mayor Charles "Sonny" McCoy \_\_\_\_\_  
17 Mayor Pro Tem Mario Di Gennaro \_\_\_\_\_  
18 Commissioner Sylvia J. Murphy \_\_\_\_\_  
19 Commissioner George Neugent \_\_\_\_\_  
20 Commissioner Dixie Spehar \_\_\_\_\_  
21  
22  
23

24 BOARD OF COUNTY COMMISSIONERS  
25 OF MONROE COUNTY, FLORIDA  
26

27 BY \_\_\_\_\_  
28 Mayor Charles "Sonny" McCoy  
29

30 (SEAL)  
31 ATTEST: DANNY L. KOLHAGE, CLERK  
32  
33

34 \_\_\_\_\_  
35 DEPUTY CLERK  
36  
37  
38  
39